



Paper No. 4

SULZER MEDICA USA INC
3 EAST GREENWAY PLAZA
SUITE 1600
HOUSTON TX 77046

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In re Application of
Tammie Klase
Application No. 09/745,233
Filed: December 21, 2000
Attorney Docket No. CMI-379

**OFFICE OF PETITIONS
A/C PATENTS**

**DECISION GRANTING
PETITION**

In re Application of
Chinn, et al.
Application No. 09/746,712
Filed: December 21, 2000
Attorney Docket No. CMI-397

This is a decision on petitions filed February 16, 2001 (in application Serial No. 09/746,712) and April 6, 2001 (in application Serial No. 09/745,233) requesting correction of the files of the above-identified applications.

Petitioner requests that the drawings filed in application Serial No. 09/746,712 on December 21, 2000 be transferred to the file of application Serial No. 09/745,233 and that the drawings filed in application Serial No. 09/745,233 on December 20, 2000, be transferred to application Serial No. 09/746,712. Petitioner further requests that application Serial No. 09/745,233 be accorded a filing date of December 21, 2000, the date the drawings were mistakenly submitted in application Serial No. 09/746,712. In addition, petitioner requests that application Serial No. 09/746,712 maintain its current filing date of December 21, 2000 (the date the specification was submitted).

It is obvious that neither application was individually complete on the date of deposit, i.e., on December 21, 2000, since the drawings described in the specifications were not received with the respective specifications. However, since the drawings were in fact present in the PTO on December 21, 2000, the applications

may be accorded filing dates of December 21, 2000, on petition under 37 CFR 1.53.

The five (5) sheets of drawings filed December 20, 2000 in application Serial No. 09/745,233 will remain in the file, but will not be entered. Instead, the application will be reprocessed with the copy of Figures 1-4 (3 sheets of drawings) filed on April 6, 2001, in application Serial No. 09/745,233.

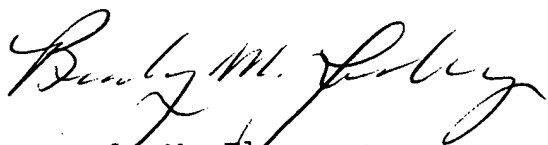
Likewise, the three (3) sheets of drawings filed December 21, 2001, in application Serial No. 09/746,712 will remain in the file, but will not be entered. Instead, the application will maintain its current filing date of December 21, 2000 with the copy of Figures 1-7 filed on February 16, 2001, entered in application Serial No. 09/746,712.

The petitions are GRANTED to the extent indicated above.

Application Serial No. 09/745,233 is being returned to the Office of Initial Patent Examination (OIPE) for reprocessing with a filing date of December 21, 2000, using the three (3) sheets of drawings containing Figures 1-4 filed with the petition on April 6, 2001. Thereafter, the application will be returned to Technology Center 3700 for prosecution.

Application Serial No. 09/746,712 is being returned to Technology Center 1700 for examination in due course with its current filing date of December 21, 2000, and using the five (5) sheets of drawings containing Figures 1-7 filed on February 16, 2001.

Telephone inquiries concerning this matter may be directed to Petitions Attorney Cliff Congo at (703)305-0272.



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for Patent Examination Policy